

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2019-212-E- ORDER NO. 2021-774  
NOVEMBER 24, 2021

IN RE: South Carolina Energy Freedom Act (House	)	ORDER CONCLUDING
Bill 3659) Proceeding Related to Dominion	)	REVIEW AND CLOSING
Energy South Carolina, Incorporated for the	)	DOCKET
Commission to Review the Community Solar	)	
Programs Established Pursuant to Act 236 of	)	
2014 and to Solicit Status Information on	)	
Existing Programs from the Electrical Utility	)	
S.C. Code Ann. Section 58-41-40(B)(1)	)	

This matter comes before the Public Service Commission of South Carolina (“Commission”) by way of the Commission review of informational filings made by Dominion Energy South Carolina, Incorporated (“DESC”) pursuant to Order No. 2021-98.

Order No. 2021-98 directed DESC to “file an application in this docket in accordance with Commission Reg. 103-823, 2019 Act 62, and as ordered by Commission Directive Order 2020-791.”<sup>1</sup> The Commission noted in Order No. 2021-98 that DESC indicated that it did not intend to expand its approved Community Solar Program, but found that, “[a] new review of the Company’s existing program is warranted to determine if the existing program meets [the intent of Act 62].”<sup>2</sup> This review is conducted pursuant to S.C. Code. Ann. Section 58-41-40(B)(1) which states:

Within sixty days after the effective date of this chapter, the commission shall open a docket for each

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<sup>1</sup> Order No. 2021-98, issued February 24, 2021.

<sup>2</sup> *Id.*

electrical utility to review the community solar programs established pursuant to Act 236 of 2014 and to solicit status information on existing programs from the electrical utilities.

By letter dated June 24, 2021, the Commission's Clerk's Office distributed a Revised Notice of Filing and Public Hearing setting the hearing date for September 23, 2021, with a return date of July 30, 2021. This Notice was published by DESC pursuant to Commission instruction between June 27 and June 30, 2021.

The parties to the proceeding were Dominion Energy South Carolina, Incorporated; the Carolinas Clean Energy Business Association (substituted for South Carolina Solar Business Alliance, Inc.);<sup>3</sup> and the Office of Regulatory Staff. DESC was represented by J. Ashley Cooper, Esq., Sarah Fulton Hutchins, Esq., K. Chad Burgess, Esq., and Matthew W. Gissendanner, Esq; the Carolinas Clean Energy Business Association was represented by Richard L. Whitt, Esq.; and the Office of Regulatory Staff was represented by Andrew M. Bateman, Esq.

At the hearing, DESC presented the testimony of Witness Daniel F. Kassis, P.E. and Witness Mark C. Furtick, P.E. Witness Kassis presented testimony discussing the Community Solar requirements of Code Ann. § 58-41-40, et seq., of the South Carolina Energy Freedom Act ("Act 62"). Additionally, he explained DESC's analysis of provisions in Act 62 applicable to future Community Solar programs and the corresponding restriction on cost-shifting thereunder. Witness Kassis stated that a successor Community Solar

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<sup>3</sup> The motion to substitute the party of record was filed February 17, 2021 and granted by Commission Order 2021-167 on March 10, 2021.

Program is not a viable option under Act 62, due to Act 62's prohibition on cost-shifting.<sup>4</sup> Witness Furtick testified regarding the structure of DESC's current Community Solar Program – established under Act 236 - and its current participants.

The Commission finds that DESC has provided information and testimony sufficient to demonstrate that it has established a Community Solar Program pursuant to the requirements of Act 236, and notes that DESC is declining at this time to expand or modify that program under the requirements of Act 62.

The Commission therefore concludes that it has solicited the status and attendant information pursuant to S.C. Code. Ann. Section 58-41-40(B)(1), and that the review of such material has been concluded in satisfaction of the statutory requirement.

**IT IS THEREFORE ORDERED:**

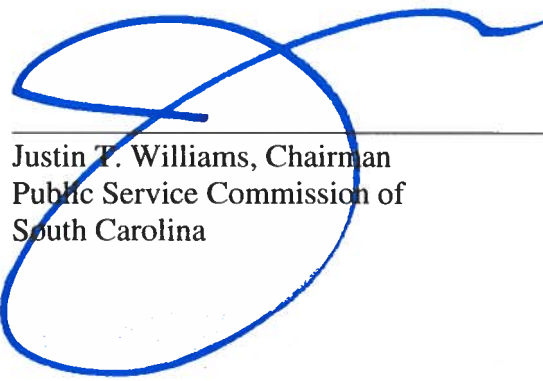
1. All required review of DESC's Community Solar programs pursuant to S.C. Code Ann. Section 58-41-40(B)(1) has been appropriately conducted.
2. Should DESC wish to apply to expand its existing Community Solar programs or to add new Community Solar programs, it may file an application and the Commission shall establish a new docket and proceeding for such consideration.
3. This docket is to be closed.

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<sup>4</sup> Kassis Direct pg. 5 at lines 3-9: "Through this successor legislation, the General Assembly specifically restricts DESC and other utilities from further enacting cost-shifting mechanisms that were crucial in establishing the current Community Solar program. Importantly, under S.C. Code Ann. § 58-41-30(C), "[a]n electrical utility may not charge any nonparticipating customers for any costs incurred" in offering services to participating customers pursuant to the community solar provisions of Act 62. (emphasis added)."

4. That this Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:



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Justin T. Williams, Chairman  
Public Service Commission of  
South Carolina